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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,399	01/14/2000	Michael L. Trompower	TELNP200US	8324
23623 7590 02/29/2008 AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 02/29/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
osteuball@thepatentattorneys.com

Office Action Summary

Application No.

09/483,399

Applicant(s)

TROMPOWER, MICHAEL L.

Examiner

MELODY MEHRPOUR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18, 20-32, 34-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 20-31 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 7-18 and 32 is/are rejected.
- 7) ☒ Claim(s) 4-6, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

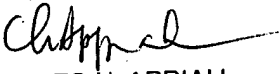
1. In view of the 09483399 filed on 1/28/08, PROSECUTION IS HEREBY REOPENED. set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. **Claims 2-3, 7-8, 18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma (US Patent 6,463,042) in view of Boer et al.(US Patent Number 5,706,428).

Regarding **Claim 2**, Paatelma teaches a cellular communication unit comprising:

a transmitter adapted to transmit data over an RF link (col 3 lines 60-65); and

a power control module 18 coupled to the transmitter 14 (see figure 4), the power control module 18 adapted to receive a data packet having a first portion (header, col 5 lines 2-18) and a second portion (data portion) and transmit the first portion at a first transmission power and the second portion at a second transmission power (Transmission of header portion at normal power, and remainder of the slot at reduced power relative to the header portion see col 4 lines 60-67, col 5 lines 1-5).

Paatelma does not specifically mention that the communication unit transmits the first portion of the data packet at a first data rate and the second portion of the data packet at a second data rate. However, Boer teaches a communication unit transmits the first portion of the data packet at a first data rate and the second portion of the data packet at a second data rate (col 1 lines 33-47). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Boer with Paatelma, in order to provide a method of operating a wireless local area network station which enables communication between stations operating at different data rates.

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Regarding **Claim 3**, Paatelma teaches a method wherein the first power and the second power are adjusted so that the first portion and the second portion are selected so that the first portion and the second portion have a similar transmission ranges (col 2 lines 51-54).

Regarding **Claim 7**, Paatelma teaches wherein the communication unit is an access point (col 4 lines 51-57). Paatelma teaches that the mobile station need not to be mobile at all, but could be installed or used at a fixed station. The mobile can be capable of operating with one or more air interface standards, modulation types, and access types (see figure 4, col 4 lines 51-57).

Regarding **Claim 8**, Paatelma teaches that the communication unit is a mobile unit (col 4 lines 8-15).

Regarding **Claim 18**, Paatelma inherently teaches a unit wherein the communication unit is coupled to a network (col 3 lines 60-66) and the network provides the power control circuit 18 (see figure 4, col 5 lines 2-18) with information relating to the power transmission level of the first portion and the second portion (col 2 lines 34-54).

3. **Claims 9-17, 32**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paatelma (US Patent 6,463,042) in view of Boer et al. (US Patent 5,706,428), and in further view Fisher et al.(US Patent Number 5,768,695).

Regarding **Claim 9**, Paatelma teaches a communicating system wherein the power control module receives the power data packet and dynamically controls the transmission power of the first portion and the second portions. Paatelma modified by Boer fails to teach the power control module includes power amplifier. However Fisher teaches a system/unit wherein the power control module includes a transmission power amplifier (col 3 lines 32-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fisher with Paatelma modified by Boer, in order to provide a highly desirable system wherein a resource allocation independent from the network architecture and the associated transmission and processing delays.

Regarding **Claim 10**, Paatelma teaches a unit wherein the power control module 18 includes: a D/A converter that receives power data information in digital format and converts the power data information to an analog control signal (col 4 lines 20-29), the analog signal adapted to control, a transmission power module adapted to receive the data packet, control the transmission power (col 4 lines 23-29). However Paatelma modified by Boer fails to teach that the power control module includes a power amplifier. However Fisher teaches the power control module includes a power amplifier (col 3 lines 34-39). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fisher with

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Paatelma modified by Boer, in order to provide a system that has a better performance with high signal qualities.

Regarding **Claim 11**, Paatelma teaches a unit including a processor coupled to the D/A converter; processor transmits the power data information to the D/A converter (col 4 lines 22-29).

Regarding **Claim 12**, Paatelma teaches a unit 10 wherein including a receiver 16 coupled to the controller 18, the controller 18 includes processor, and the processor transmits the power data information to the D/A converter (col 4 lines 22-26).

Regarding **Claim 13**, Paatelma inherently teaches a unit wherein a receiver 16 coupled to controller 18 the controller 18 includes processor (col 4 lines 22-27), the receiver provides adapted to receive a transmission from the other communication unit transmitting information to receiver 14, the processor evaluating a range from the transmission and downloading power data information to the power control circuit based on a desired transmission range of the data packet (col 2 lines 36-54). In a cellular communication system, when communication between base station and mobile established that the transmitter from BTS receive a signal from the Mobile, or vise versa. In order for the link between the transmitter and the receiver to be established, and the system operates, the power control should be based on the desired transmission range. The desired transmission range is the distance between the

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transmitter and receiver, therefore, if the transmitted signal does not reach the receiver the communication will not be established. Therefore, Paatelma inherently teaches the processor evaluating a range from the transmission and downloading power data information to the power control circuit based on a desired transmission range of the data packet, in order for the data packet to be received.

Regarding **Claim 14**, Paatelma teaches a unit wherein the power control module 18 includes a digital processor device, a microprocessor device, and various analogs to digital A/D converters, digital to analog D/A converters (col 4 lines 20-26). Paatelma modified by Boer fails to teach a unit wherein the processor coupled to the power data register stores the power data information. However Fischer teaches a unit wherein the controller (processor) is coupled to a data registers stores section (see figure 3, col 4 lines 27-35). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made, to combine the above teaching of Fischer with Paatelma modified by Boer, in order to provide a highly desirable system wherein a resource allocation is independent from the network architecture and the associated transmission and processing delays.

Regarding **Claim 15**, Paatelma modified by Boer fails to teach a unit wherein a processor is coupled to the power data register section; the processor transmits the power data information to the power data register section. However Fischer teaches that the power control module is coupled to a data register section module stores the

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power data information (col 4 lines 27-33). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Fischer with Paatelma modified by Boer, in order to provide a system that has a better performance with high signal qualities.

Regarding **Claim 16**, Paatelma teaches a receiver coupled to the processor, the receiver receives a transmission from other communication unit (col 4 lines 53-65).

Regarding **Claim 17**, Paatelma inherently teaches a cellular communication unit including transmission power information to the processor (controller 18) from transmission communication unit 14 transmitting information to the receiver 16 receives (see figure 4, col 4 lines 22-26), the processor (controller 18) evaluating a range from the transmission power information and downloading power data information to the power control circuit based on a desired transmission range of the data packet (See figure 4, col 2 lines 34-41, col 4 lines 22-67, col 5 lines). In a cellular communication system, when communication between base station and mobile established that the transmitter from BTS receive a signal from the Mobile, or vice versa. In order for the link between the transmitter and the receiver to be established, and the system operates, the power control should be based on the desired transmission range. The desired transmission range is the distance between the transmitter and receiver, therefore, if the transmitted signal does not reach the receiver the communication will not be established. Therefore, Paatelma inherently teaches the processor evaluating a range

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from the transmission and downloading power data information to the power control circuit based on a desired transmission range of the data packet (col 2 lines 36-54), in order for the data packet to be received.

Regarding **Claim 32**, Paatelma teaches a cellular system (col 3 lines 60-67, col 4 lines 1-6), the unit comprising:

means for transmitting a data packet having a first portion (header col 5 lines 2-18) and a second portion (col 2 lines 34-54);

means for dynamically adjusting the transmission power level of the first portion (header) with respect to the second portion (the remainder of the data) of the data packet coupled to the means for transmitting a data packet having a first portion and a second portion (col 5 lines 2-18); and

means for determining the transmission power levels of the first and second portion based on a desired transmission range for both the first and second portion (col 2 lines 32-41). In a cellular communication system, when communication between base station and mobile established that the transmitter from BTS receive a signal from the Mobile, or vise versa. In order for the link between the transmitter and the receiver to be established, and the system operates, the power control should be based on the desired transmission range. The desired transmission range is the distance between the transmitter and receiver, therefore, if the transmitted signal does not reach the receiver the communication will not be established. Therefore, Paatelma inherently teaches the processor evaluating a range from the transmission and downloading power data

information to the power control circuit based on a desired transmission range of the data packet (col 2 lines 36-54), in order for the data packet to be received.

Allowable Subject Matter

4. **Claims 4-6, 34-35**, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **Claims 20-31**, are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 20**, the present application teaches a method of transmitting a data packet in a cellular communication system wherein transmitting a first portion of the data packet at a first transmission power level, a second portion at a second power level, and the third portion at a third power level as specifically mentioned in claim 20.

Regarding **claim 29**, the present application teaches an access point system in a cellular communication system utilizing an IEEE 802.11 standard protocol wherein the power control module receives a data packet having PLCP permeable and PLCP header portion and a data portion and dynamically adjusts the transmission power of the packet during transmission of the packet, such that PLCP preamble portion begins transmitting at a first transmission power level and the data portion begins transmitting

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at a second transmission power level, the dynamic adjustment of transmission power made to facilitate the PLCP preamble and the data portion over a substantially similar transmission range as specifically mentioned on claim 29.

The closest prior art to the present application such as Paatelma et al. (US Publication 2004/0218570) teaches a variable rate transmission system for transmitting variable rate data including an accompanying signal indicative of the header portion filled by a data portion. The system is arranged to transmit a downlink slot so that the Header portion is transmitted at a higher power level than the data portion when the data portion does not contain valid data so as to reduce system interference. Paatelma fails to teach an access point system in a cellular communication system utilizing an IEEE 802.11 standard protocol wherein the power control module receives a data packet having PLCP permeable and PLCP header portion and a data portion and dynamically adjusts the transmission power of the packet during transmission of the packet, such that PLCP preamble portion begins transmitting at a first transmission power level and the data portion begins transmitting at a second transmission power level, the dynamic adjustment of transmission power made to facilitate the PLCP preamble and the data portion over a substantially similar transmission range as specifically mentioned on claim 29.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

7. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah be reached (571) 272-7904.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

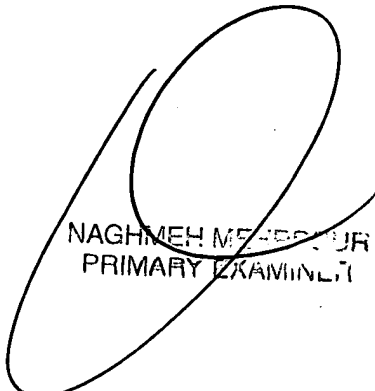
/M. M./

Primary Examiner, Art Unit 2617

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

Feb 25, 2008


NAGHMEH MEHRPOUR
PRIMARY EXAMINER